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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,740	12/28/1999	HONGJIANG SONG	INTL-0327-US	1399

7590 03/13/2003

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EXAMINER

VO, DON NGUYEN

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,740

Applicant(s)

SONG, HONGJIANG

Examiner

DON N VO

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the Amendment filed on 12/26/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the Amendment filed on 12/26/02.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (fig. 1) of instant application in view of Kline et al (5,068,880; art of record).

As shown in figure 1, the admitted prior art teaches a repeater circuit comprising a data recovery circuit (16) and synchronization detection circuit (18). See also page 1, line 1 to page 2, line 10 of the instant application. The admitted prior art fails to teach detecting whether some of the bits indicate a synchronization field during the buffering the bits. However, Kline teaches, as shown in figures 3 and 4A and abstract, detecting whether some of the incoming bits indicate a synchronization field during the buffering the incoming bits in order to achieve high speed of transferring data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the repeater circuit of the admitted prior art by employing the teaching of

Kline et al so that to improve the delay time of repeating the data since both buffering bits and detecting synchronization field are performed concurrently.

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (fig. 1) of instant application in view of Kline et al (5,068,880; art of record) as applied to claims 1-8 and 15-20 above, and further in view of Banker et al (5,497,187; art of record), Andersson et al (5,671,249; art of record) or Julyan (5,790,610; art of record).

Both the admitted prior art and kline et al teach all subject matter claimed except for using the output of the data recovery circuit to apply to the transmitter to form an outgoing data. However, Banker (fig. 4C), Andersson (figs. 3 and 4) or Julyan (figs. 1, 2 and 7) teaches using the output of the data recovery circuit to apply to the transmitter to form an outgoing data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the repeater of the admitted prior art by employing the teachings of Banker, Andersson or Julyan so that the delay for processing the signal received from the receiving end to the transmitting end of the repeater can be reduced.

Response to Arguments

5. Applicant's arguments filed on 12/26/02 have been fully considered but they are not persuasive.

Applicant traverses the rejections to claims 1-20 by mainly arguing that "*the Examiner relies on Kline [5,068,880] to allegedly teach detecting whether some bits indicates a synchronization field during buffering of bits to accommodate a difference between a first rate of incoming data and a second rate of outgoing data*" and therefor, failing to established a *prima facie* case of obviousness for claims 1, 8 and 15. The examiner respectfully disagrees. The examiner relies only on the teaching of "detecting whether some of the incoming bits indicate a synchronization field during the buffering of the incoming bits." See paragraph # 3 of the Office Action mailed 11/20/02. The Examiner did not rely on Kline for the teaching of buffering "*to accommodate a difference between a first rate of incoming data and a second rate of outgoing data.*" The admitted prior art figure 1 and page 1, line 12-15 has such teaching.

Based on the above rationale, it is believed that the combination of the admitted prior art and Kline is proper and therefor, the rejections are still maintained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N VO whose telephone number is (703) 305-4885. The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



DON N VO
Primary Examiner
Art Unit 2631

March 7, 2003